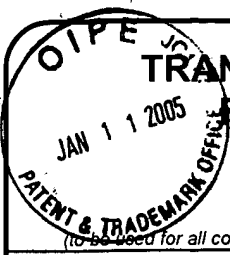


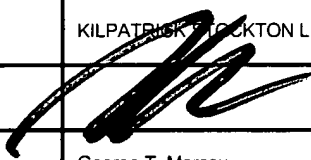
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	TRANSMITTAL FORM		Application Number	09/925,009
			Filing Date	August 9, 2001
			First Named Inventor	Victor V. VERBINSKI, et al.
			Art Unit	2878
			Examiner Name	Gagliardi, Albert J.
Total Number of Pages in This Submission			Attorney Docket Number	SAIC0055CCIPC

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449 Copies of 36 References Disclosure of Pending Litigation..(2pp.)
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	KILPATRICK STOCKTON LLP		
Signature			
Printed Name	George T. Marcou		
Date	1/11/05	Reg. No.	33,014

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO
FEE TRANSMITTAL
For FY 2005
Effective 10/01/2004. Patent fees are subject to annual revision.
☐ Applicant claims small entity status. See 37 CFR 1.27

Complete if Known

Application Number	09/925,009
Filing Date	August 9, 2001
First Named Inventor	Victor V. VERBINSKI, et al.
Examiner Name	Gagliardi, Albert J.
Art Unit	2878
Attorney Docket No.	SAIC0055-CCIPC

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number: 501458

Deposit Account Name: KILPATRICK STOCKTON LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20 ** = 0 X Fee from below = 0

Independent Claims: -3 ** = 0 X Fee from below = 0

Multiple Dependent: X Fee from below = 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 180)

SUBMITTED BY

Name (Print/Type)	George J. Masou	Registration No. (Attorney/Agent)	33,014	Telephone	202 508 5800
Signature		Date	1/11/05		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Serial No.: 09/925,009

Docket No. SAIC0055-C-CIP1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Victor V. VERBINSKI, et al.

Group Art Unit: 2878

Serial No.: 09/925,009

Examiner: Albert J. Gagliardi

Filed: August 9, 2001

For: DENSITY DETECTION USING REAL TIME DISCRETE PHOTON COUNTING
FOR FAST MOVING TARGETS

**DISCLOSURE OF PENDING LITIGATION PURSUANT TO MPEP § 2001.06(c) and
SUBMISSION OF INFORMATION DISCLOSURE STATEMENT**

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97 and MPEP § 2001.06(c), the Assignee and Assignee's prosecution attorneys bring to the attention of the Examiner the following information.

The above-identified application is a continuation-in-part application of United States Patent No. 6,507,025 ('025 Patent), which is currently the subject of litigation in the case of Rapiscan Security Products, Inc. v. Science Applications International Corporation filed in the United States District Court Central District of California, Docket No. CV04-2936.

General Description of Materials

Defendant, Science Applications International Corporation (SAIC), is the assignee of the '025 Patent. On April 27, 2004, Rapiscan filed a declaratory judgment action in the United States District Court Central District of California alleging, *inter alia*, that (1) the '025 Patent is invalid for failure to comply with 35 USC §§ 101, 102, 103 and/or 112 and (2) Rapiscan is not infringing the '025 Patent. The litigation is currently in the discovery phase.

SAIC's belief that Rapiscan is infringing is based on publicly available information, such as that found at www.rapiscan.com. While Assignee and Assignee's prosecution attorneys believe that the pertinent information available on this site does not qualify as prior art since the pertinent information is not believed to have been available until after the filing date of the '025 Patent, the undersigned is submitting the information in the attached Information Disclosure Statement. Also submitted on the enclosed Form 1449 is a copy of the litigation docket for the Rapiscan Litigation as of 1/10/05.

If the Examiner wants to review materials from the litigation involving the '025 patent, the undersigned can provide copies of these documents to the extent permitted by the protective order.

Respectfully submitted,

Date: 1/11/05

By: 
George T. Marcou
Registration No. 33,014

KILPATRICK STOCKTON LLP
Suite 900
607 14th Street, N.W.
Washington, D.C. 20005
(202) 508-5800

36609/257722
WSHLIB01:198004

Docket No. SAIC0055-C-CIPC



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Victor V. VERBINSKI, et al.

Serial No.: **09/925,009**

Group Art Unit: **2878**

Filed: **August 9, 2001**

Examiner: **Gagliardi, Albert J.**

For: **DENSITY DETECTION USING REAL TIME DISCRETE PHOTON
COUNTING FOR FAST MOVING TARGETS**

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 AND 1.98**

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In accordance with the requirements of 37 C.F.R. §§ 1.56, 1.97-1.98 and MPEP § 609,
the references noted on the attached form PTO-1449 are hereby brought to the attention of the
Examiner.

Since this statement is being filed after receipt of an Office Action, a fee of \$180.00 is
enclosed pursuant to 37 C.F.R. § 1.17(p). However, the Commissioner is hereby authorized
to charge any additional fees which may be required, or to credit any overpayment, to
Deposit Account No. 501458. A duplicate copy of this letter is submitted herewith for that
purpose.

01/12/2005 EABURAK1 00000039 09925009

01 FC:1806

180.00 DP

The above information is presented so that the United States Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. See 37 C.F.R. §§ 1.104(a) conferring the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Respectfully submitted,

Date: _____

1/11/05

By: _____



George T. Marcou
Registration No. 33,014

KILPATRICK STOCKTON LLP
Suite 900
607 14th Street, N.W.
Washington, D.C. 20005
(202) 508-5800



Form PTO-1449 (Rev. 2-32)		U.S. Department of Commerce Patent & Trademark Office		Atty. Docket No. SAIC0055-C-CIP1		Serial No. 09/925,009	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Applicant Victor V. VERBINSKI, et al.			
				Filing Date August 9, 2001		Group 2878	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub- Class	Filing Date (if appropriate)
		5,247,561	9/21/93	Kotowski	378	87	1/2/91
		4,366,382	12/28/82	Kotowski	378	57	9/9/80
		4,255,659	3/10/81	Kaufman, et al.	250	370	3/27/78
FOREIGN PATENT DOCUMENTS							
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		"Mobile VACIS® Inspection System, Technical Specifications" [online], [retrieved on July 8, 2004], 4 pp., Retrieved from the Internet: http://www.saic.com/products/security/mobile-vacis/mobile-tech.html					
		"Pallet VACIS® Inspection System, Technical Specifications" [online], [retrieved on July 8, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/products/security/pallet-vacis/pallet-tech.html					
		"Portal VACIS® Inspection System, Technical Specifications" [online], [retrieved on July 8, 2004], 3 pp., Retrieved from the Internet: http://www.saic.com/products/security/portal-vacis/portal-vacis-tech.html					
		"Railroad VACIS® Inspection System, Technical Specifications" [online], [retrieved on July 8, 2004], 3 pp., Retrieved from the Internet: http://www.saic.com/products/security/rr-vacis/railroad-tech.html					
		"Relocatable VACIS® Inspection System, Technical Specifications" [online], [retrieved on July 8, 2004], 3 pp., Retrieved from the Internet: http://www.saic.com/products/security/relocatable-vacis/relocatable-vacis-tech.html					
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.							



OTHER DOCUMENTS CONT'D. (Including Author, Title, Date, Pertinent Pages, Etc.)

		"VACIS® Inspection Systems Combat Contraband Transport" [online], [retrieved on July 8, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/cover-archive/transport/VACIS.html
		"SAIC Mobile VACIS® Cargo, Vehicle and Contraband Inspection Unit to be Deployed at Latvian Points of Entry" [online], June 17, 2004 [retrieved on July 8, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/news/2004/jun/17.html
		"SAIC Canada Completes Acquisition of Exploranium G. S. Limited" [online], December 23, 2003 [retrieved on July 8, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/news/2003/dec/23.html
		"SAIC Awarded Strategic Port Automation Contract" [online], October 28, 2003 [retrieved on July 8, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/news/2003/oct/28.html
		"SAIC's Mobile VACIS to Inspect for Explosives and Contraband at U.S. Borders, U.S. Customs Service Awards Contract for 11 Mobile VACIS Units" [online], October 20, 1999 [retrieved on July 8, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/news/oct99/news10-20-99.html
		"SAIC's VACIS II to Search for Contraband at U.S. Borders, U.S. Customs Services Issues Contracts for 29 VACIS II's" [online], July 26, 1999 [retrieved on July 8, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/news/jul99/news07-26-99.html
		"Rapiscan TVS™ - Truck Validation System" [online], Copyright 1999-2002 [retrieved on July 1, 2004], 3 pp., Retrieved from the Internet: http://www.rapiscan.com/4100.html
		"Mobile VACIS® Inspection System, Overview" [online], [retrieved on June 3, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/products/security/mobile-vacis/index.html
		"Pallet VACIS® Inspection System, Overview" [online], [retrieved on June 3, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/products/security/pallet-vacis/index.html
		"Portal VACIS® Inspection System, Overview" [online], [retrieved on June 3, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/products/security/portal-vacis/index.html

EXAMINER

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OTHER DOCUMENTS CONT'D. (Including Author, Title, Date, Pertinent Pages, Etc.)	
	"Railroad VACIS® Inspection System, Overview" [online], [retrieved on June 2, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/products/security/rr-vacis/index.html
	"Relocatable VACIS® Inspection System, Overview" [online], [retrieved on June 2, 2004], 2 pp., Retrieved from the Internet: http://www.saic.com/products/security/relocatable-vacis/index.html
	"Rapiscan GaRDS™ - Gamma Radiographic Detection System" [online], Copyright 1999-2002 [retrieved on April 5, 2004], 3 pp., Retrieved from the Internet: http://www.rapiscan.com/4200main.html
	"DigestPlus Selector, My Product List" [online], [retrieved on June 3, 2003], 1 p., Retrieved from the Internet: http://ecatalog.squared.com/fulldetail.cfm?partnumber=DTU223NRB
	"Thomas Compressors and Vacuum Pumps, Rietschle Thomas" [online], Copyright 2001 [retrieved on May 15, 2003], 1 p., Retrieved from the Internet: http://www.thomaspumps.com
	"Thomas Compressors and Vacuum Pumps News: Kings of Custom, Rietschle Thomas, Sales & Distribution" [online], [retrieved on May 15, 2003], Retrieved from the Internet: http://dealer.thomaspumps.com/dealers/list_us_distribs.asp?request=5
	"Double Throw Safety Switches – Fusible and Not Fusible Class 3140, 30 (Series T4), 200-600 A Types 82,000, 92,000 and 200 A DTU (Series E)" [online], [retrieved on February 19, 2003], 1 p., Retrieved from the Internet: http://ecatalog.squared.com/catalog/html/sections/03/17203014.htm
	"Double Throw Safety Switches, Fusible and Not Fusible, Class 3140, New – Series F," Copyright 2002, 1 p.
	SeaLevel Systems Incorporated, "Ultra 485™ User Manual," Copyright 1999, 24 pp.
	Hasegawa, Bruce, H., et al., "A Prototype High-Purity Germanium Detector System with Fast Photon-Counting Circuitry for Medical Imaging," <i>Med. Phys.</i> , Vol. 18, No. 5, pp. 900-909, September/October, 1991
	Grainger, "Electrical Distribution Safety Switches, Double Throw, Non-Fusible Switches," 1 p.
EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not	



considered. Include copy of this form with next communication.

OTHER DOCUMENTS CONT'D. (Including Author, Title, Date, Pertinent Pages, Etc.)

Grainger, "Marine Rated Devices," Catalog, p. 331

Hubbell, "Marine Products, 50 Ampere, 125/250 Volt, 3 Pole 4 Wire, Ship-to-Shore Devices," 1 p.

Hubbell, "Marine Products, Internationally Rated, 16, 32, 63 Ampere, 240 Volt, 50 Cycle, Pine and Sleeve Devices," 1 p.

Rapiscan Cargo Inspection Products, "Rapiscan 4100," 2 pp.

Boyd, Douglas P., Chapter 130, "Transmission Computed Tomography," *Future Technologies*, pp. 4357-4371

Thomas Pumps & Compressors, "WOB-L® Piston, Pumps and Compressors, 607/668/669/688/689 Series," 2 pp.

Docket for Rapiscan Security Products, Inc. v. Science Applications International Corporation, Docket 2:04-cv-02936-GPS-FMO (as of 1/10/05)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.